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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,928	03/11/2004	Kurt Pfitzinger	5031-214	6919
20792	7590	10/05/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			WILLIAMS, MARK A	
PO BOX 37428			ART UNIT	PAPER NUMBER
RALEIGH, NC 27627			3676	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,928

Applicant(s)

PFITZINGER ET AL.

Examiner

Mark A. Williams

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 41-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 33,35-37 and 46-50 is/are allowed.
- 6) ☐ Claim(s) 1-13,16,17,20,23-26 and 30 is/are rejected.
- 7) ☐ Claim(s) 14,15,18,19,21,22,27,28,31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 41-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/31/06.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 8, 12, 13, 20, 23-26, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner et al., US Patent 2,788,997. As seen in figure 1, a container 1 comprising a receptacle having side walls, a floor (at the bottom of the aircraft), and an open end; a cover (any of elements 6, 7, and 8) pivotally attached to one of the walls of the receptacle, the cover being movable between an open position, in which the open end of the receptacle can be accessed, and a closed position, in which the cover overlies the open end of the receptacle; as seen in

figures 2 and 3, a locking pin (50, 51) is mounted on one of the cover and a receptacle walls; and at least one locking system for maintaining the cover in the closed position, the locking system comprising a release member (not shown, but attached to 24) and although not explicitly shown, the release member inherently being attached to the other of the cover and a receptacle wall; a connecting member 23 attached to the release member, and a rotary unit including a base plate 56 having a slot (although not explicitly shown, inherently there is a slot to received element (50, 51)), a rotary member 25 rotatably mounted with the base plate about a first axis of rotation, the rotary member including a plurality of fingers extending radially outwardly from a central portion thereof and an engagement portion being the recess portions between fingers fixed to the central portion, and a pawl member 35 pivotally mounted with the base plate about a second axis of rotation and coupled with the connecting member at least during a portion of operation of the device; wherein when the cover is in the closed position, the locking pin is received within the slot of the rotary unit base plate and engages one of the fingers of the rotary member, and the pawl member via (30, 31) engages the engagement portion to prevent rotation thereof, and wherein actuation of the release member disengages the pawl member from the engagement portion, thereby enabling the rotary member to rotate freely relative to the base plate, which

rotation disengages the locking pin from the rotary member and enables the cover to move to the open position. A biasing member is provided to bias the pawl in the claimed manner, as conventional in the art (see column 3, lines 54-59). The container is considered to have two sidewalls, and each of the sidewalls of the container includes a winged portion 5 that defines a lateral storage region. The locking pin 50 is pivotally mounted to the cover 8 and generally perpendicularly to the slotted opening of the rotary unit base plate, as claimed. The fingers are lobed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al.

Regarding claim 6, Wagner discloses the claimed invention except for an adjustable locking pin. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device in this way, since it has been held that the provision of adjustability, where needed, involves

only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954). Such a modification is not critical to the design and would have produced no unexpected results. Such a modification would have the benefit of allowing for positive optimum alignment of the locking pin with the rotary unit.

Regarding claim 7, it would have being obvious to make the locking pin adjustable in such a way, in order to achieve optimum latching alignment along the direction of engagement with the rotary unit, as known in the art.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. in view of Lauderbach, US Patent 4,706,333. Although the claimed biasing member is not explicitly disclosed, such structure is very old and well known in the art. Lauderbach provides an example of such a known design. It would have been obvious to modify the device in this way for purposes of achieving a desired biasing of the cover member.

4. Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. in view of Falcon, US Patent 5,821,488. Regarding claim 16, Wagner provides actuating element 24 to be attached to a release member of some type. Falcon provides the old and well-known concept of a palm button 100 used in the application of operating a cable member for latching and/or unlatching

purposes. It would have been obvious to make such a release member a palm button for the purpose of allowing a user to operate the device by the palm of a user's hand.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. in view of Harmon, US Patent 4,691,952. The concept of locking pins and other latch components being biased to a rest position is very old and well-known in the art, for alignment purposes. Harmon provides an example of such structure. It would have been obvious at the time the invention was made for one skilled in the art to have included such a modification in the design of Wagner for the purpose of achieving improved alignment during use of the device.

Allowable Subject Matter

6. Claims 33, 35-37, 46-50 are allowed.

7. Claims 15, 18, 19, 21, 22, 27, 28, and 32 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims of record have been fully considered but are not persuasive.

Applicant argues that it is improper for the examiner to use identical structure to be cited as engaging both the locking pin and the pawl member. It is the position of the examiner that nothing in the claim language prevents such an interpretation, allowing for the application of the applied art. There is no clearly claimed distinction between applicant's invention and the applied art. Further, such limitations as claimed are functional limitations, and the device of the applied art can be broadly interpreted as providing this claimed function.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the


advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
9/23/06



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER